

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NOS. 89 & 37
91ST GENERAL ASSEMBLY

Reported from the Committee on Criminal Law, May 15, 2001, with recommendation that the House Committee Substitute for Senate Substitute for Senate Committee Substitute for Senate Bill Nos. 89 & 37 Do Pass.

TED WEDEL, Chief Clerk

0301L.07C

AN ACT

To repeal sections 195.010, 195.235, 195.246 and 570.030, RSMo 2000, and to enact in lieu thereof eleven new sections relating to the manufacture of methamphetamine, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 195.010, 195.235, 195.246 and 570.030, RSMo 2000, are repealed
2 and eleven new sections enacted in lieu thereof, to be known as sections 195.010, 195.235,
3 195.246, 195.417, 195.418, 195.515, 441.236, 442.606, 537.297, 570.030 and 578.154, to read
4 as follows:

195.010. The following words and phrases as used in sections 195.005 to 195.425,
2 unless the context otherwise requires, mean:

- 3 (1) "Addict", a person who habitually uses one or more controlled substances to such an
4 extent as to create a tolerance for such drugs, and who does not have a medical need for such
5 drugs, or who is so far addicted to the use of such drugs as to have lost the power of self-control
6 with reference to his addiction;
- 7 (2) "Administer", to apply a controlled substance, whether by injection, inhalation,
8 ingestion, or any other means, directly to the body of a patient or research subject by:
- 9 (a) A practitioner (or, in his presence, by his authorized agent); or
10 (b) The patient or research subject at the direction and in the presence of the practitioner;

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

11 (3) "Agent", an authorized person who acts on behalf of or at the direction of a
12 manufacturer, distributor, or dispenser. The term does not include a common or contract carrier,
13 public warehouseman, or employee of the carrier or warehouseman while acting in the usual and
14 lawful course of the carrier's or warehouseman's business;

15 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or attorney general
16 authorized to investigate, commence and prosecute an action under sections 195.005 to 195.425;

17 (5) "Controlled substance", a drug, substance, or immediate precursor in Schedules I
18 through V listed in sections 195.005 to 195.425;

19 (6) "Controlled substance analogue", a substance the chemical structure of which is
20 substantially similar to the chemical structure of a controlled substance in Schedule I or II and:

21 (a) Which has a stimulant, depressant, or hallucinogenic effect on the central nervous
22 system substantially similar to the stimulant, depressant, or hallucinogenic effect on the central
23 nervous system of a controlled substance included in Schedule I or II; or

24 (b) With respect to a particular individual, which that individual represents or intends
25 to have a stimulant, depressant, or hallucinogenic effect on the central nervous system
26 substantially similar to the stimulant, depressant, or hallucinogenic effect on the central nervous
27 system of a controlled substance included in Schedule I or II. The term does not include a
28 controlled substance; any substance for which there is an approved new drug application; any
29 substance for which an exemption is in effect for investigational use, for a particular person,
30 under Section 505 of the federal Food, Drug and Cosmetic Act (21 U.S.C. 355) to the extent
31 conduct with respect to the substance is pursuant to the exemption; or any substance to the extent
32 not intended for human consumption before such an exemption takes effect with respect to the
33 substance;

34 (7) "Counterfeit substance", a controlled substance which, or the container or labeling
35 of which, without authorization, bears the trademark, trade name, or other identifying mark,
36 imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser
37 other than the person who in fact manufactured, distributed, or dispensed the substance;

38 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer from one
39 person to another of drug paraphernalia or of a controlled substance, or an imitation controlled
40 substance, whether or not there is an agency relationship, and includes a sale;

41 (9) "Dentist", a person authorized by law to practice dentistry in this state;

42 (10) "Depressant or stimulant substance":

43 (a) A drug containing any quantity of barbituric acid or any of the salts of barbituric acid
44 or any derivative of barbituric acid which has been designated by the United States Secretary of
45 Health and Human Services as habit forming under 21 U.S.C. 352(d);

46 (b) A drug containing any quantity of:

- 47 a. Amphetamine or any of its isomers;
- 48 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or
- 49 c. Any substance the United States Attorney General, after investigation, has found to
- 50 be, and by regulation designated as, habit forming because of its stimulant effect on the central
- 51 nervous system;
- 52 (c) Lysergic acid diethylamide; or
- 53 (d) Any drug containing any quantity of a substance that the United States Attorney
- 54 General, after investigation, has found to have, and by regulation designated as having, a
- 55 potential for abuse because of its depressant or stimulant effect on the central nervous system or
- 56 its hallucinogenic effect;
- 57 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an ultimate user
- 58 or research subject by or pursuant to the lawful order of a practitioner including the prescribing,
- 59 administering, packaging, labeling, or compounding necessary to prepare the substance for such
- 60 delivery. "Dispenser" means a practitioner who dispenses;
- 61 (12) "Distribute", to deliver other than by administering or dispensing a controlled
- 62 substance;
- 63 (13) "Distributor", a person who distributes;
- 64 (14) "Drug":
- 65 (a) Substances recognized as drugs in the official United States Pharmacopoeia, Official
- 66 Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any
- 67 supplement to any of them;
- 68 (b) Substances intended for use in the diagnosis, cure, mitigation, treatment or
- 69 prevention of disease in humans or animals;
- 70 (c) Substances, other than food, intended to affect the structure or any function of the
- 71 body of humans or animals; and
- 72 (d) Substances intended for use as a component of any article specified in this
- 73 subdivision. It does not include devices or their components, parts or accessories;
- 74 (15) "Drug-dependent person", a person who is using a controlled substance and who
- 75 is in a state of psychic or physical dependence, or both, arising from the use of such substance
- 76 on a continuous basis. Drug dependence is characterized by behavioral and other responses
- 77 which include a strong compulsion to take the substance on a continuous basis in order to
- 78 experience its psychic effects or to avoid the discomfort caused by its absence;
- 79 (16) "Drug enforcement agency", the Drug Enforcement Administration in the United
- 80 States Department of Justice, or its successor agency;
- 81 (17) "Drug paraphernalia", all equipment, products, **substances** and materials of any
- 82 kind which are used, intended for use, or designed for use, in planting, propagating, cultivating,

83 growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing,
84 storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the
85 human body a controlled substance or an imitation controlled substance in violation of sections
86 195.005 to 195.425. It includes, but is not limited to:

87 (a) Kits used, intended for use, or designed for use in planting, propagating, cultivating,
88 growing or harvesting of any species of plant which is a controlled substance or from which a
89 controlled substance can be derived;

90 (b) Kits used, intended for use, or designed for use in manufacturing, compounding,
91 converting, producing, processing, or preparing controlled substances or imitation controlled
92 substances;

93 (c) Isomerization devices used, intended for use, or designed for use in increasing the
94 potency of any species of plant which is a controlled substance or an imitation controlled
95 substance;

96 (d) Testing equipment used, intended for use, or designed for use in identifying, or in
97 analyzing the strength, effectiveness or purity of controlled substances or imitation controlled
98 substances;

99 (e) Scales and balances used, intended for use, or designed for use in weighing or
100 measuring controlled substances or imitation controlled substances;

101 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose
102 and lactose, used, intended for use, or designed for use in cutting controlled substances or
103 imitation controlled substances;

104 (g) Separation gins and sifters used, intended for use, or designed for use in removing
105 twigs and seeds from, or in otherwise cleaning or refining, marijuana;

106 (h) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or
107 designed for use in compounding controlled substances or imitation controlled substances;

108 (i) Capsules, balloons, envelopes and other containers used, intended for use, or designed
109 for use in packaging small quantities of controlled substances or imitation controlled substances;

110 (j) Containers and other objects used, intended for use, or designed for use in storing or
111 concealing controlled substances or imitation controlled substances;

112 (k) Hypodermic syringes, needles and other objects used, intended for use, or designed
113 for use in parenterally injecting controlled substances or imitation controlled substances into the
114 human body;

115 (l) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise
116 introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

117 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens,
118 permanent screens, hashish heads, or punctured metal bowls;

- 119 b. Water pipes;
- 120 c. Carburetion tubes and devices;
- 121 d. Smoking and carburetion masks;
- 122 e. Roach clips meaning objects used to hold burning material, such as a marijuana
- 123 cigarette, that has become too small or too short to be held in the hand;
- 124 f. Miniature cocaine spoons and cocaine vials;
- 125 g. Chamber pipes;
- 126 h. Carburetor pipes;
- 127 i. Electric pipes;
- 128 j. Air-driven pipes;
- 129 k. Chillums;
- 130 l. Bongs;
- 131 m. Ice pipes or chillers;
- 132 **(m) Substances used, intended for use, or designed for use in the manufacture of**
- 133 **a controlled substance;**
- 134
- 135 In determining whether an object, **product, substance or material** is drug paraphernalia, a court
- 136 or other authority should consider, in addition to all other logically relevant factors, the
- 137 following:
- 138 (a) Statements by an owner or by anyone in control of the object concerning its use;
- 139 (b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any
- 140 state or federal law relating to any controlled substance or imitation controlled substance;
- 141 (c) The proximity of the object, in time and space, to a direct violation of sections
- 142 195.005 to 195.425;
- 143 (d) The proximity of the object to controlled substances or imitation controlled
- 144 substances;
- 145 (e) The existence of any residue of controlled substances or imitation controlled
- 146 substances on the object;
- 147 (f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control
- 148 of the object, to deliver it to persons who he knows, or should reasonably know, intend to use
- 149 the object to facilitate a violation of sections 195.005 to 195.425; the innocence of an owner, or
- 150 of anyone in control of the object, as to direct violation of sections 195.005 to 195.425 shall not
- 151 prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- 152 (g) Instructions, oral or written, provided with the object concerning its use;
- 153 (h) Descriptive materials accompanying the object which explain or depict its use;
- 154 (i) National or local advertising concerning its use;

- 155 (j) The manner in which the object is displayed for sale;
- 156 (k) Whether the owner, or anyone in control of the object, is a legitimate supplier of like
157 or related items to the community, such as a licensed distributor or dealer of tobacco products;
- 158 (l) Direct or circumstantial evidence of the ratio of sales of the object to the total sales
159 of the business enterprise;
- 160 (m) The existence and scope of legitimate uses for the object in the community;
- 161 (n) Expert testimony concerning its use;
- 162 **(o) The quantity, form or packaging of the product, substance or material in**
163 **relation to the quantity, form or packaging associated with any legitimate use for the**
164 **product, substance or material;**
- 165 (18) "Federal narcotic laws", the laws of the United States relating to controlled
166 substances;
- 167 (19) "Hospital", a place devoted primarily to the maintenance and operation of facilities
168 for the diagnosis, treatment or care, for not less than twenty-four hours in any week, of three or
169 more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal
170 physical conditions; or a place devoted primarily to provide, for not less than twenty-four
171 consecutive hours in any week, medical or nursing care for three or more nonrelated individuals.
172 The term "hospital" does not include convalescent, nursing, shelter or boarding homes as defined
173 in chapter 198, RSMo;
- 174 (20) "Immediate precursor", a substance which:
- 175 (a) The state department of health has found to be and by rule designates as being the
176 principal compound commonly used or produced primarily for use in the manufacture of a
177 controlled substance;
- 178 (b) Is an immediate chemical intermediary used or likely to be used in the manufacture
179 of a controlled substance; and
- 180 (c) The control of which is necessary to prevent, curtail or limit the manufacture of the
181 controlled substance;
- 182 (21) "Imitation controlled substance", a substance that is not a controlled substance,
183 which by dosage unit appearance (including color, shape, size and markings), or by
184 representations made, would lead a reasonable person to believe that the substance is a controlled
185 substance. In determining whether the substance is an "imitation controlled substance" the court
186 or authority concerned should consider, in addition to all other logically relevant factors, the
187 following:
- 188 (a) Whether the substance was approved by the federal Food and Drug Administration
189 for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and
190 Drug Administration approved package, with the federal Food and Drug Administration

191 approved labeling information;

192 (b) Statements made by an owner or by anyone else in control of the substance
193 concerning the nature of the substance, or its use or effect;

194 (c) Whether the substance is packaged in a manner normally used for illicit controlled
195 substances;

196 (d) Prior convictions, if any, of an owner, or anyone in control of the object, under state
197 or federal law related to controlled substances or fraud;

198 (e) The proximity of the substances to controlled substances;

199 (f) Whether the consideration tendered in exchange for the noncontrolled substance
200 substantially exceeds the reasonable value of the substance considering the actual chemical
201 composition of the substance and, where applicable, the price at which over-the-counter
202 substances of like chemical composition sell. An imitation controlled substance does not include
203 a placebo or registered investigational drug either of which was manufactured, distributed,
204 possessed or delivered in the ordinary course of professional practice or research;

205 (22) "Laboratory", a laboratory approved by the department of health as proper to be
206 entrusted with the custody of controlled substances but does not include a pharmacist who
207 compounds controlled substances to be sold or dispensed on prescriptions;

208 (23) "Manufacture", the production, preparation, propagation, compounding or
209 processing of drug paraphernalia or of a controlled substance, or an imitation controlled
210 substance, either directly or by extraction from substances of natural origin, or independently by
211 means of chemical synthesis, or by a combination of extraction and chemical synthesis, and
212 includes any packaging or repackaging of the substance or labeling or relabeling of its container.
213 This term does not include the preparation or compounding of a controlled substance or an
214 imitation controlled substance or the preparation, compounding, packaging or labeling of a
215 narcotic or dangerous drug:

216 (a) By a practitioner as an incident to his administering or dispensing of a controlled
217 substance or an imitation controlled substance in the course of his professional practice, or

218 (b) By a practitioner or his authorized agent under his supervision, for the purpose of,
219 or as an incident to, research, teaching or chemical analysis and not for sale;

220 (24) "Marijuana", all parts of the plant genus *Cannabis* in any species or form thereof,
221 including, but not limited to *Cannabis Sativa* L., *Cannabis Indica*, *Cannabis Americana*,
222 *Cannabis Ruderalis*, and *Cannabis Gigantea*, whether growing or not, the seeds thereof, the resin
223 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
224 or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant,
225 fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound,
226 manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin

227 extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of
228 germination;

229 (25) **"Methamphetamine precursor drug", any drug containing ephedrine,**
230 **pseudoephedrine, phenylpropanolamine, or any of their salts, optical isomers, or salts of**
231 **optical isomers;**

232 (26) "Narcotic drug", any of the following, whether produced directly or indirectly by
233 extraction from substances of vegetable origin, or independently by means of chemical synthesis,
234 or by a combination of extraction and chemical analysis:

235 (a) Opium, opiate, and any derivative, of opium or opiate, including their isomers, esters,
236 ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of the isomers,
237 esters, ethers, and salts is possible within the specific chemical designation. The term does not
238 include the isoquinoline alkaloids of opium;

239 (b) Coca leaves, but not including extracts of coca leaves from which cocaine, ecgonine,
240 and derivatives of ecgonine or their salts have been removed;

241 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

242 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

243 (e) Any compound, mixture, or preparation containing any quantity of any substance
244 referred to in paragraphs (a) to (d) of this subdivision;

245 [(26)] (27) "Official written order", an order written on a form provided for that purpose
246 by the United States Commissioner of Narcotics, under any laws of the United States making
247 provision therefor, if such order forms are authorized and required by federal law, and if no such
248 order form is provided, then on an official form provided for that purpose by the department of
249 health;

250 [(27)] (28) "Opiate", any substance having an addiction-forming or addiction-sustaining
251 liability similar to morphine or being capable of conversion into a drug having addiction-forming
252 or addiction-sustaining liability. The term includes its racemic and levorotatory forms. It does
253 not include, unless specifically controlled under section 195.017, the dextrorotatory isomer of
254 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

255 [(28)] (29) "Opium poppy", the plant of the species *Papaver somniferum* L., except its
256 seeds;

257 (30) **"Over-the-counter sale", a retail sale licensed pursuant to chapter 144, RSMo,**
258 **of a drug other than a controlled substance;**

259 [(29)] (31) "Person", an individual, corporation, government or governmental
260 subdivision or agency, business trust, estate, trust, partnership, joint venture, association, or any
261 other legal or commercial entity;

262 [(30)] (32) "Pharmacist", a licensed pharmacist as defined by the laws of this state, and

263 where the context so requires, the owner of a store or other place of business where controlled
264 substances are compounded or dispensed by a licensed pharmacist; but nothing in sections
265 195.005 to 195.425 shall be construed as conferring on a person who is not registered nor
266 licensed as a pharmacist any authority, right or privilege that is not granted to him by the
267 pharmacy laws of this state;

268 [(31)] **(33)** "Poppy straw", all parts, except the seeds, of the opium poppy, after mowing;

269 [(32)] **(34)** "Possessed" or "possessing a controlled substance", a person, with the
270 knowledge of the presence and nature of a substance, has actual or constructive possession of
271 the substance. A person has actual possession if he has the substance on his person or within
272 easy reach and convenient control. A person who, although not in actual possession, has the
273 power and the intention at a given time to exercise dominion or control over the substance either
274 directly or through another person or persons is in constructive possession of it. Possession may
275 also be sole or joint. If one person alone has possession of a substance possession is sole. If two
276 or more persons share possession of a substance, possession is joint;

277 [(33)] **(35)** "Practitioner", a physician, dentist, optometrist, podiatrist, veterinarian,
278 scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise
279 permitted by this state to distribute, dispense, conduct research with respect to or administer or
280 to use in teaching or chemical analysis, a controlled substance in the course of professional
281 practice or research in this state, or a pharmacy, hospital or other institution licensed, registered,
282 or otherwise permitted to distribute, dispense, conduct research with respect to or administer a
283 controlled substance in the course of professional practice or research;

284 [(34)] **(36)** "Production", includes the manufacture, planting, cultivation, growing, or
285 harvesting of drug paraphernalia or of a controlled substance or an imitation controlled
286 substance;

287 [(35)] **(37)** "Registry number", the number assigned to each person registered under the
288 federal controlled substances laws;

289 [(36)] **(38)** "Sale", includes barter, exchange, or gift, or offer therefor, and each such
290 transaction made by any person, whether as principal, proprietor, agent, servant or employee;

291 [(37)] **(39)** "State" when applied to a part of the United States, includes any state, district,
292 commonwealth, territory, insular possession thereof, and any area subject to the legal authority
293 of the United States of America;

294 [(38)] **(40)** "Ultimate user", a person who lawfully possesses a controlled substance or
295 an imitation controlled substance for his own use or for the use of a member of his household
296 or for administering to an animal owned by him or by a member of his household;

297 [(39)] **(41)** "Wholesaler", a person who supplies drug paraphernalia or controlled
298 substances or imitation controlled substances that he himself has not produced or prepared, on

299 official written orders, but not on prescriptions.

195.235. 1. It is unlawful for any person to deliver, possess with intent to deliver, or
2 manufacture, with intent to deliver, drug paraphernalia, knowing, or under circumstances where
3 one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest,
4 manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store,
5 contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled
6 substance or an imitation controlled substance in violation of sections 195.005 to 195.425.

7 **2. Possession of more than twenty-four grams of any methamphetamine precursor**
8 **drug or combination of methamphetamine precursor drugs shall be prima facie evidence**
9 **of intent to violate this section. This subsection shall not apply to any practitioner or to**
10 **any product possessed in the course of a legitimate business.**

11 **3.** A person who violates this section is guilty of a class D felony.

195.246. 1. It is unlawful for any person to possess [ephedrine, its salts, optical isomers
2 and salts of optical isomers or pseudoephedrine, its salts, optical isomers and salts of optical
3 isomers] **any methamphetamine precursor drug** with the intent to manufacture **amphetamine,**
4 **methamphetamine or any of [its] their** analogs.

5 **2. Possession of more than twenty-four grams of any methamphetamine precursor**
6 **drug or combination of methamphetamine precursor drugs shall be prima facie evidence**
7 **of intent to violate this section. This subsection shall not apply to any practitioner or to**
8 **any product possessed in the course of a legitimate business.**

9 **3.** A person who violates this section is guilty of a class D felony.

195.417. 1. No person shall deliver in any single over-the-counter sale more than
2 **three packages of any methamphetamine precursor drug or any combination of**
3 **methamphetamine precursor drugs.**

4 **2. This section shall not apply to any product labeled pursuant to federal regulation**
5 **for use only in children under twelve years of age, or to any products that the state**
6 **department of health, upon application of a manufacturer, exempts by rule from this**
7 **section because the product has been formulated in such a way as to effectively prevent the**
8 **conversion of the active ingredient into methamphetamine, or its salts or precursors.**

9 **3. Any person who knowingly or recklessly violates this section is guilty of a class**
10 **A misdemeanor.**

195.418. 1. The retail sale of methamphetamine precursor drugs shall be limited
2 to:

3 **(1) Sales in packages containing not more than a total of three grams of one or**
4 **more methamphetamine precursor drugs, calculated in terms of ephedrine base,**
5 **pseudoephedrine base and phenylpropanolamine base; and**

6 (2) For nonliquid products, sales in blister packs, each blister containing not more
7 than two dosage units, or where the use of blister packs is technically infeasible, sales in
8 unit dose packets or pouches.

9 2. Any person holding a retail sales license pursuant to chapter 144, RSMo, who
10 knowingly violates subsection 1 of this section is guilty of a class A misdemeanor.

11 3. Any person who is considered the general owner or operator of the outlet where
12 ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who
13 violates subsection 1 of this section shall not be penalized pursuant to this section if such
14 person documents that an employee training program was in place to provide the employee
15 with information on the state and federal regulations regarding ephedrine,
16 pseudoephedrine, or phenylpropanolamine.

 195.515. 1. Any manufacturer or wholesaler who sells, transfers, or otherwise
2 furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts,
3 optical isomers and salts of optical isomers, alone or in a mixture, and is required by
4 federal law to report any suspicious transaction to the United States attorney general, shall
5 submit a copy of the report to the chief law enforcement official with jurisdiction before
6 completion of the sale or as soon as practicable thereafter.

7 2. As used in this section, "suspicious transaction" means any sale or transfer
8 required to be reported pursuant to 21 U.S.C. 830(b)(1).

9 3. Any violation of this section shall be a class D felony.

 441.236. 1. In the event that any premises to be leased by a landlord is or was used
2 as a site for methamphetamine production, the landlord shall disclose in writing to the
3 tenant the fact that methamphetamine was produced on the premises, provided that the
4 landlord had knowledge of such prior methamphetamine production. The landlord shall
5 disclose any prior knowledge of methamphetamine production, regardless of whether the
6 persons involved in the production were convicted for such production.

7 2. A landlord shall disclose in writing the fact that any premises to be leased by the
8 landlord either was the place of residence of a person convicted of any of the following
9 crimes, or was the storage site or laboratory for any of the substances for which a person
10 was convicted of any of the following crimes, provided that the landlord knew or should
11 have known of such convictions:

12 (1) Creation of a controlled substance in violation of section 195.420, RSMo;

13 (2) Possession of ephedrine with intent to manufacture methamphetamine in
14 violation of section 195.246, RSMo;

15 (3) Unlawful use of drug paraphernalia with the intent to manufacture
16 methamphetamine in violation of subsection 2 of section 195.233, RSMo;

17 (4) Endangering the welfare of a child by any of the means described in subdivision
18 (4) or (5) of subsection 1 of section 568.045, RSMo; or

19 (5) Any other crime related to methamphetamine, its salts, optical isomers and salts
20 of its optical isomers either in chapter 195, RSMo, or in any other provision of law.

442.606. 1. In the event that any parcel of real property to be sold, exchanged or
2 transferred is or was used as a site for methamphetamine production, the seller or
3 transferor shall disclose in writing to the buyer or transferee the fact that
4 methamphetamine was produced on the premises, provided that the seller or transferor
5 had knowledge of such prior methamphetamine production. The seller or transferor shall
6 disclose any prior knowledge of methamphetamine production, regardless of whether the
7 persons involved in the production were convicted for such production.

8 2. A seller or transferor of any parcel of real property shall disclose in writing the
9 fact that any premises to be sold or transferred either was the place of residence of a
10 person convicted of any of the following crimes, or was the storage site or laboratory for
11 any of the substances for which a person was convicted of any of the following crimes,
12 provided that the seller or transferor knew or should have known of such convictions:

13 (1) Creation of a controlled substance in violation of section 195.420, RSMo;

14 (2) Possession of ephedrine with intent to manufacture methamphetamine in
15 violation of section 195.246, RSMo;

16 (3) Unlawful use of drug paraphernalia with the intent to manufacture
17 methamphetamine in violation of subsection 2 of section 195.233, RSMo;

18 (4) Endangering the welfare of a child by any of the means described in subdivision
19 (4) or (5) of subsection 1 of section 568.045, RSMo; or

20 (5) Any other crime related to methamphetamine, its salts, optical isomers and salts
21 of its optical isomers either in chapter 195, RSMo, or in any other provision of law.

537.297. 1. The following words as used in this section shall have the following
2 meanings:

3 (1) "Owner", all of the following persons:

4 (a) Any person who lawfully owns anhydrous ammonia;

5 (b) Any person who lawfully owns a container, equipment or storage facility
6 containing anhydrous ammonia;

7 (c) Any person responsible for the installation or operation of such containers,
8 equipment or storage facilities;

9 (d) Any person lawfully selling anhydrous ammonia;

10 (e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;

11 (f) Any person who operates or uses anhydrous ammonia containers, equipment

12 or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;

13 (2) "Tamperer", a person who commits or assists in the commission of tampering;

14 (3) "Tampering", transferring or attempting to transfer anhydrous ammonia from
15 its present container, equipment or storage facility to another container, equipment or
16 storage facility, without prior authorization from the owners.

17 2. A tamperer assumes the risk of any personal injury, death and other economic
18 and noneconomic loss arising from his or her participation in the act of tampering. A
19 tamperer or any person related to a tamperer shall not commence a direct or derivative
20 action against any owner as it relates to the act of tampering. Owners are immune from
21 suit by a tamperer or any person related to a tamperer and shall not be held liable for any
22 negligent act or omission which may cause personal injury, death or other economic or
23 noneconomic loss to a tamperer as it relates to the act of tampering.

24 3. The immunity from liability and suit authorized by this section is expressly
25 waived for owners whose acts or omissions constitute willful or wanton negligence.

570.030. 1. A person commits the crime of stealing if he or she appropriates property
2 or services of another with the purpose to deprive him or her thereof, either without his or her
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution under this section
5 on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage
13 from a hotel, inn or boardinghouse.

14 3. Stealing is a class C felony if:

15 (1) The value of the property or services appropriated is seven hundred fifty dollars or
16 more; or

17 (2) The actor physically takes the property appropriated from the person of the victim;
18 or

19 (3) The property appropriated consists of:

20 (a) Any motor vehicle, watercraft or aircraft; or

21 (b) Any will or unrecorded deed affecting real property; or

22 (c) Any credit card or letter of credit; or

- 23 (d) Any firearms; or
24 (e) A United States national flag designed, intended and used for display on buildings
25 or stationary flagstaffs in the open; or
26 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the
27 legislature of the state of Missouri; or
28 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,
29 any other state or of the United States; or
30 (h) Any book of registration or list of voters required by chapter 115, RSMo; or
31 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or
32 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or
33 (k) Any controlled substance as defined by section 195.010, RSMo.
34 4. If an actor appropriates any material with a value less than one hundred fifty dollars
35 in violation of this section with the intent to use such material to manufacture, compound,
36 produce, prepare, test or analyze amphetamine or methamphetamine or any of their analogues,
37 then such violation is a class D felony. The theft of any amount of anhydrous ammonia **or liquid**
38 **nitrogen, or any attempt to steal any amount of anhydrous ammonia or liquid nitrogen,** is
39 a class [D] C felony. **The theft of any amount of anhydrous ammonia by appropriation of**
40 **a tank truck, tank trailer, rail tank car, bulk storage tank, field (nurse) tank or field**
41 **applicator is a class A felony.**
42 5. The theft of any item of property or services under subsection 3 of this section which
43 exceeds seven hundred fifty dollars may be considered a separate felony and may be charged in
44 separate counts.
45 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection
46 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection
47 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars
48 is guilty of a class B felony.
49 7. Any violation of this section for which no other penalty is specified in this section is
50 a class A misdemeanor.

578.154. 1. A person commits the crime of possession of anhydrous ammonia in a
2 **nonapproved container if he or she possesses any quantity of anhydrous ammonia in any**
3 **container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field**
4 **(nurse) tank or field applicator or any container approved for anhydrous ammonia by the**
5 **department of agriculture or the United States Department of Transportation.**

6 **2. A violation of this section is a class D felony.**